

REMARKS

Claims 1, 11, 12 and 21-23 have been examined. Claim 23 is rejected under 35 U.S.C. § 112, second paragraph and claims 1 and 21-23 are rejected under 35 U.S.C. § 102(b). Also, the Examiner maintains that claims 11 and 12 contain allowable subject matter.

I. Double Patenting Rejection

The Examiner continues to reject claims 1, 11, 12, 21 and 22 under the doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,773,850 (parent Application to the present Application). In the January 4, 2008 Amendment, Applicant filed a Terminal Disclaimer rendering the rejection moot. The Examiner, however, continues to maintain that since a paralegal has not yet reviewed the Terminal Disclaimer, the rejection is set forth (pg. 3 of Office Action). Since the Terminal Disclaimer is proper, however, no further response in this regard is necessary.

II. Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claim 23 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Accordingly, Applicant has amended claim 23 in a manner believed to overcome the rejection.

III. Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1, 21 and 22 under 35 U.S.C. § 102(b) as allegedly being anticipated by Henk.

A. Claim 1

Claim 1 recites, “wherein the plurality of shock-absorbing ribs are formed so as to be disposed at positions that are substantially symmetrical to positions of a plurality of externally-threaded electrodes of the at least one battery, with respect to a plane of the battery cover, when the battery cover is provided on the at least one battery, and wherein the plurality of externally-threaded electrodes are not provided at the battery cover.”

In the July 1, 2008 Amendment, Applicant argued that Henk fails to teach or suggest that the ribs 53 are provided at positions substantially symmetrical to positions of electrodes of a battery, with respect to a plane of the battery cover when the cover is provided on the battery.

In the present Office Action, the Examiner maintains that the steel plug 52 of Henk discloses an externally-threaded electrode of the battery (pg. 4 of Office Action). Therefore, the Examiner maintains that the ribs 53 are symmetrical about the plug 52 (i.e., since the plug is provided in the center of the cover and the ribs 53 appear to radiate from the center). Applicant submits, however, that the steel plug 52 does not disclose the claimed externally-threaded electrodes of the battery. Rather, as set forth in Henk, the plug 52 is pressed into a hole of the top cover 43 (alleged battery cover) and serves for connection of an outer supply conductor by means of a magnet (col. 9, lines 15-18) (i.e., contrary to the recitations of claim 1, the plug 52 is provided at the battery cover). Further, in Figure 3 of Henk, the plug 52 does not appear to extend all the way through the top cover 43 such that, at the very least, it fails to constitute an *externally threaded* electrode.

Regardless of the above, even if Applicant assumes *arguendo* that plug 52 discloses an electrode of the battery, claim 1 recites a “plurality” of externally threaded electrodes where the plurality of shock absorbing ribs are disposed at positions substantially symmetrical to positions

(plural) of a *plurality* of externally-threaded electrodes. Since the ribs 53 are merely symmetrical about a single alleged electrode, Applicant submits that Henk fails to disclose the claimed invention.

On page 4 of the Office Action, the Examiner also maintains that the battery of Henk has electrodes (presumably other than the plug 52). However, there is no depiction of the electrodes or how their position would compare to the position of the ribs 53.

At least based on the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 1.

B. Claims 21 and 22

Since claims 21 and 22 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claim 23

Applicant submits that claim 23 is patentable for at least analogous reasons as claim 1.

IV. Allowable Subject Matter

As set forth above, the Examiner has indicated that claims 11 and 12 are allowed.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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